

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

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OPINION 540

Protection under the Plenary Powers of the specific names
bengalensis Daudin, [1802], as published in the com-
bination *Tupinambis bengalensis*, and *salvator* Laurenti,
1768, as published in the combination *Stellio salvator*
(Class Reptilia)

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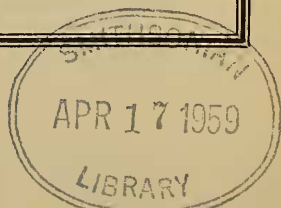
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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 540

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Doc. Dr. Ferdinand PRANTL (*Národní Museum V Praze, Prague, Czechoslovakia*) (30th October 1954)

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Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

OPINION 540

PROTECTION UNDER THE PLENARY POWERS OF THE SPECIFIC NAMES "BENGALENSIS" DAUDIN, [1802], AS PUBLISHED IN THE COMBINATION "TUPINAMBIS BENGALENSIS", AND "SALVATOR" LAURENTI, 1768, AS PUBLISHED IN THE COMBINATION "STELLIO SALVATOR" (CLASS REPTILIA)

RULING :—(1) The under-mentioned specific names are hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy :—

- (a) *monitor* Linnaeus, 1758, as published in the combination *Lacerta monitor* ;
- (b) *dracaena* Linnaeus, 1766, as published in the combination *Lacerta dracaena* ;
- (c) *salvaquardia* Laurenti, 1768, as published in the combination *Stellio salvaquardia*.

(2) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* with the Name Numbers severally specified below :—

- (a) *bengalensis* Daudin, [1802], as published in the combination *Tupinambis bengalensis* (a name taking precedence over the name *cepedianus* Daudin, [1802], as published in the combination *Tupinambis cepedianus* (a name published in the same work and on the same date), by reason of the First Reviser selection in its favour made by Duméril & Bibron, (1836)) (Name No. 1600) ;
- (b) *salvator* Laurenti, 1768, as published in the combination *Stellio salvator* (Name No. 1601).

(3) The under-mentioned specific names are hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name Numbers severally specified below :—

- (a) *monitor* Linnaeus, 1758, as published in the combination *Lacerta monitor*, as suppressed under the Plenary Powers in (1)(a) above (Name No. 574) ;
- (b) *dracaena* Linnaeus, 1766, as published in the combination *Lacerta dracaena*, as suppressed under the Plenary Powers in (1)(b) above (Name No. 575) ;
- (c) *salvaquardia* Laurenti, 1768, as published in the combination *Stellio salvaquardia*, as suppressed under the Plenary Powers in (1)(c) above (Name No. 576).

I. THE STATEMENT OF THE CASE

On 25th April 1953, Professor Dr. Robert Mertens (*Senckenbergische Naturhistorische Gesellschaft, Frankfurt a. Main, Germany*) addressed a preliminary communication to the Office of the Commission on the question of the possible use of the Plenary Powers for the purpose of protecting well-known specific names for two species of Varanid lizard, namely, the specific

names *bengalensis* Daudin, [1802], as published in the combination *Tupinambis bengalensis*, and *salvator* Laurenti, 1768, as published in the combination *Stellio salvator*. Correspondence between the Secretary and the applicant brought to light the existence of a more complex situation than had originally been suspected. In due course, however, the difficulties so disclosed were overcome and on 31st October 1956 Professor Mertens submitted the following definitive application to the Commission for consideration :—

**Proposed use of the Plenary Powers to secure that the specific names
“bengalensis (Tupinambis)” Daudin, [1802], and “salvator (Stellio)”
Laurenti, 1768, shall be the oldest available names for the Varanid
Lizards concerned**

By ROBERT MERTENS

(Senckenbergische Naturforschende Gesellschaft, Forschungs-Institut
u. Natur-Museum Senckenberg, Frankfurt a.M., Germany)

The object of the present application is to ask the International Commission to use its Plenary Powers in such a way as to put an end to the existing state of confusion and uncertainty regarding the names properly applicable to two species of Varanid Lizards. The specific names which it is desired that the Commission should stabilise in this way are : (a) the name *bengalensis* Daudin, [1802],* as published in the combination *Tupinambis bengalensis*, and (b) the name *salvator* Laurenti, 1768, as published in the combination *Stellio salvator*. The relevant facts of this case are set out in the following paragraphs. Since one of the names involved has been used for both the species in question it has been considered convenient during the earlier discussion to refer to these species as Species “A” and Species “B” respectively.

Names given or applied to Species “A”

2. Up to the year 1929 Species “A” was known in the literature by the specific name *bengalensis* Daudin (*Tupinambis bengalensis* Daudin, [1802], in Sonnini’s Buffon, *Hist. nat. Rept.* 3 : 67). In that year, however, Flower, 1929, (*List vertebr. Anim.* 3 : 145) identified the nominal species *Lacerta monitor* Linnaeus, 1758 (*Syst. Nat.* (ed. 10) 1 : 201) with Species “A” and accordingly substituted the name *monitor* Linnaeus for the name *bengalensis* Daudin. In this action Flower was followed by a number of authors. In my revision of the Varanids (1942, *Abh. senckenberg. naturf. Ges.* 462 : 13), however, I retained the long-established name *bengalensis* Daudin, although at that time I was under the impression that that name was technically a junior synonym of the name *dracaena* Linnaeus, 1766 (*Lacerta dracaena* Linnaeus, 1766, *Syst. Nat.* (ed. 12) 1(1) : 360). The name *bengalensis* Daudin has continued to be the name generally used for Species “A” and it is very desirable in the interest of stability in nomenclature that the status of this name should now be confirmed by the Commission.

3. The application of the name *monitor* Linnaeus to Species “A” by Flower was particularly unfortunate, for not only did it disturb the position of the name *bengalensis* Daudin but in addition it did so without any

* Harper, 1940 (*Amer. Midland Nat.* 23 : 692) has shown that this volume was published in 1802 between January and August.

justification, for an inspection of the plates in Seba's *Thesaurus* on which this nominal species was based by Linnaeus shows clearly that, although this was a composite species, Species "A" was not included in it. This will at once be seen by the following analysis of the figures in question, against each of which the modern equivalent has been added in a second column :—

Figure in Seba		Modern equivalent
<i>Seba Mus.</i>	2.t.86.f.2	<i>Varanus s. salvator</i> (Laurenti, 1768)
„	2.t.105.f.1	} <i>Varanus n. niloticus</i> (Linnaeus, 1766)
„	1.t.94.f.1	
„	1.t.94.f.2	

The diagnosis given by Linnaeus for his species *monitor* is of no assistance, since it is such that it would apply to a number of species of *Varanus* in immature form. It reads : "Corpus maculis albis ocellatis verticillatum. Fasciae abdominis albi lineares interruptae". There is a specimen, 430 mm. in length, preserved in the Stockholm Museum which is referable to *bengalensis* Daudin and which has been claimed to be part of the original material of *monitor* Linnaeus (Andersson, 1900, *Bihang svensk Vet.-Akad. Handl.* (4) : 26 (No. 1) : 5). In my view, this claim has not been established. The most reasonable course is to regard the name *monitor* Linnaeus as an older name not for Species "A" (*bengalensis*) but for Species "B" (*salvator*) discussed in paragraph 7 below.

4. For the reasons set out above it is a necessary part of any settlement of the present case in such a way as to ensure continuity in nomenclature that the International Commission should use its Plenary Powers to suppress the specific name *monitor* Linnaeus, 1758, discussed above. The same applies to the specific name *dracaena* Linnaeus, 1766, which (as explained in paragraph 2 above) has sometimes in the past been brought forward as the oldest name for Species "A" (*bengalensis*). In actual fact this name should be regarded as a *nomen dubium*. As such, the name *dracaena* Linnaeus serves no useful purpose and, as by reason of its early date, it constitutes a permanent potential threat to currently accepted nomenclature, it should certainly be suppressed under the Plenary Powers.

5. It is necessary now to consider the specific name *salvaquardia* Laurenti, 1768 (*Stellio salvaquardia* Laurenti, 1768, *Specimen med. Syn. Rept.* : 57), which also enters into the present case. The nominal species *Stellio salvaquardia* Laurenti is based upon a figure in Seba's *Thesaurus* (1 : pl. 101, fig. 1) which had previously been taken by Linnaeus as the basis for his nominal species *Lacerta dracaena*. The specific name *salvaquardia* Laurenti, 1768, is thus a junior objective synonym of *dracaena* Linnaeus, 1766. At present therefore it is an invalid name, but, if (as proposed in paragraph 4 above) the name *dracaena* Linnaeus is now suppressed by the Commission under its Plenary Powers, the name *salvaquardia* Laurenti would become an available name and in its turn a potential threat to the stability of the name *bengalensis* Daudin, unless it too were suppressed under the Plenary Powers. It is accordingly recommended that this course be adopted by the International Commission.

6. There is one other name which requires to be considered in connection with Species "A". This is the name *cepedianus* Daudin (*Tupinambis cepedianus* Daudin, [1802], in Sonnini's Buffon, *Hist. nat. Rept.* 3 : 43). The

name *cepedianus* Daudin applies to Species "A", which (as we have seen) Daudin named *bengalensis* later in the same volume (: 67). The names *cepedianus* and *bengalensis* were published in the same book and on the same date and as the name *cepedianus* has page precedence over the name *bengalensis*, it has been suggested that, if the name *monitor* Linnaeus is not used for Species "A", the name to be used for that species ought to be *cepedianus* and not *bengalensis*. This argument is incorrect, because under the *Règles* the relative precedence of two names given to the same taxon in the same book is to be determined not by the principle of page precedence but by that of the First Reviser (see 1953, *Copenhagen Decisions zool. Nomencl.* : 66-67, Decision 123). In the present case the First Revisers were Duméril (A.M.C.) and Bibron (G.), (1836, *Erpétologie gén.* 3 : 480) who placed the name *cepedianus* in the synonymy of *bengalensis*. It is part of the present proposal that the name *bengalensis* Daudin should be placed on the *Official List of Specific Names in Zoology* and in view of the claims which have been (mistakenly) advanced in favour of the name *cepedianus* Daudin, it would be helpful that in the entry to be made in the *Official List* in regard to *bengalensis* Daudin, a reference were to be made to the action taken by Duméril & Bibron as First Revisers.

Names given or applied to Species "B"

7. The name currently used by almost all authors for Species "B" is *salvator* Laurenti, 1768 (*Stellio salvator* Laurenti, 1768, *Specimen med. Syn. Rept.* : 56) and it is very desirable that this name should not be disturbed. However, as explained in paragraph 3 above, there can be little doubt that the much older name *monitor* Linnaeus, 1758, also applies to Species "B" and should therefore replace the name *salvator* Laurenti unless action is taken by the International Commission to prevent this from happening. The name *salvator* has actually been replaced in this way by Deraniyagala in his recent *Coloured Atlas of some Vertebrates of Ceylon* (2 : 86). It has already been recommended (paragraph 4) that the name *monitor* Linnaeus, as a potential threat to the name currently used for Species "A", should be suppressed by the Commission under its Plenary Powers. The need for such action is greatly reinforced by the much more serious threat to the name (*salvator*) currently used for Species "B" represented by the name *monitor* Linnaeus.

Recommendations

8. For the reasons set out in the preceding paragraphs the International Commission on Zoological Nomenclature is asked to stabilise the names to be used for the species of *Varanus* lizards here under discussion by using its Plenary Powers to suppress the older names by which they are threatened, this being the only way by which further argument and confusion can be prevented. The action which the International Commission is now asked to take is that it should :—

- (1) use its Plenary Powers to suppress the under-mentioned specific names for the purposes of the Law of Priority but not for those of the Law of Homonymy :—
 - (a) *monitor* Linnaeus, 1758, as published in the combination *Lacerta monitor* ;
 - (b) *dracaena* Linnaeus, 1766, as published in the combination *Lacerta dracaena* ;

- (c) *salvaquardia* Laurenti, 1768, as published in the combination *Stellio salvaquardia* ;
- (2) place the under-mentioned specific names on the *Official List of Specific Names in Zoology* :—
- (a) *bengalensis* Daudin, [1802], as published in the combination *Tupinambis bengalensis*, the entry so made to bear an endorsement that the above name takes precedence over the subjective synonym *cepedianus* Daudin, [1802], as published in the combination *Tupinambis cepedianus* (a name published in the same work and on the same date) by reason of the First Reviser selection made in its favour by Duméril & Bibron, (1836) ;
- (b) *salvator* Laurenti, 1768, as published in the combination *Stellio salvator* ;
- (3) place on the *Official Index of Rejected and Invalid Specific Names in Zoology* the three specific names specified in (1) above, as there proposed to be suppressed under the Plenary Powers.

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Dr. Mertens's preliminary communication the question of the protection of two well-known specific names for two species of Varanid lizards was allotted the Registered Number Z.N.(S.) 761.

3. Objection received from P. Deraniyagala prior to the publication of the present application : On 20th May 1953, that is, within a few weeks of the receipt in the Office of the Commission of Professor Mertens's preliminary communication of 25th April 1953 (referred to in paragraph 1 above) Dr. P. Deraniyagala (*Director, National Museum, Colombo, Ceylon*) furnished the following statement of his objections to the action proposed :—

I have the honour to state that there is a proposal to exercise the Plenary Powers in fixing the names of two *Varanus* lizards of Ceylon and South East Asia at the forthcoming Zoological Congress.

Malcolm Smith (1943) in the *Fauna of British India* Vol. 2 has named these two lizards *Varanus monitor* and *Varanus salvator* whereas Mertens (1942) terms the former *Varanus bengalensis*.

However, recent investigation has revealed that the oldest recognizable description is when Daudin named it *Tupinambis cepedianus* and the "type" specimen is still in the Muséum d'Histoire Naturelle, Paris (*vide* Daudin, 1802, *Hist. nat. Rept.* 3 : 43). I see no reason why a synonym should be adopted for this varanus when there is a perfectly good type specimen and a valid published description. This is definitely not a case for the exercise of Plenary Powers.

Investigation has revealed that the name *Varanus monitor* (Linné) should replace *Varanus salvator*. Seba's illustrations (Vol. 2, pl. 86, fig. 2) to which the name *Lacerta monitor* have been applied by Linné are sufficiently distinctive to enable identification and there is no reason for discarding the Law of Priority and exercising the Plenary Powers in this instance.

4. Publication of the present application : The present application was sent to the printer on 7th November 1956 and was published on 25th January 1957

in Part 1 of Volume 13 of the *Bulletin of Zoological Nomenclature* (Mertens, 1957, *Bull. zool. Nomencl.* 13 : 9-12).

5. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 51-56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 25th January 1957 (a) in Part 1 of Volume 13 of the *Bulletin of Zoological Nomenclature* (the Part in which Dr. Mertens's application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given to four general zoological publications and to two herpetological serials in Europe and America respectively.

6. No objection elicited by publication of the present application : The publication of the present application and the issue of Public Notices regarding the possible use of the Plenary Powers elicited no objection to the action proposed.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

7. Issue of Voting Paper V.P.(57)47 : On 31st July 1957 a Voting Paper (V.P.(57)47) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the specific name *bengalensis* Daudin, [1802] (*Tupinambis*), and *salvator* Laurenti, 1768 (*Stellio*), as set out in Points (1) to (3) in paragraph 8 on page 12 of Volume 13 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

8. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 31st October 1957.

9. Particulars of the Voting on Voting Paper V.P.(57)47 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(57)47 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Bodenheimer ; Holthuis ; Mayr ; Hering ; Mertens ; Lemche ; Hankó ; Key ; Vokes ; Dymond ; Riley ; Bradley (J.C.) ; do Amaral ; Esaki ; Hemming ; Prantl ; Jaczewski ; Kühnelt ; Stoll ; Bonnet ; Boschma ; Sylvester-Bradley ; Cabrera ; Tortonese ; Miller ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned :*

None.

10. Declaration of Result of Vote : On 1st November 1957, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(57)47, signed a Certificate that the Votes cast

were as set out in paragraph 9 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

11. Preparation of the Ruling given in the present "Opinion" : On 5th May 1958, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(57)47.

12. Original References : The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

bengalensis, *Tupinambis*, Daudin, [1802], in Sonnini's Buffon, *Hist. nat. Rept.* 3 : 67

dracaena, *Lacerta*, Linnaeus, 1766, *Syst. Nat.* (ed. 12) 1(1) : 360

monitor, *Lacerta*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 201

salvaquardia, *Stellio*, Laurenti, 1768, *Specimen med. Syn. Rept.* : 57

salvator, *Stellio*, Laurenti, 1768, *Specimen med. Syn. Rept.* : 56

13. Reference for a First Reviser selection determining the relative precedence to be accorded to two names published in the same work and on the same date : The following is the reference for the First Reviser selection determining the relative precedence to be accorded to two names published in the same work and on the same date specified in the Ruling given in the present *Opinion* :—

First Reviser selection of the specific name
bengalensis Daudin, [1802], as published
 in the combination *Tupinambis bengalen-*
sis, to take precedence over the specific
 name *cepedianus* Daudin, [1802], as
 published in the combination *Tupinambis*
cepedianus, the above being names
 published in the same work and on the
 same date.

Duméril & Bibron, 1836,
Erpétologie gén. 3 : 480

14. Compliance with Prescribed Procedures : The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

15. "Opinion" Number : The present *Opinion* shall be known as *Opinion* Five Hundred and Forty (540) of the International Commission on Zoological Nomenclature.

DONE in London, this Fifth day of May, Nineteen Hundred and Fifty-Eight.

Secretary to the International Commission
 on Zoological Nomenclature

FRANCIS HEMMING

